

EXHIBIT 5
DATE 1-31-07
HB 405

January 31st, 2006

Mr. Chair, Members of the Committee,

My name is Sarah Cobler. I represent the Montana Conservation Voters and we stand today in strong opposition of HB 405.

HB 405 is an overt attack on current, bedrock environmental protections and would hamstring all of the State's good work to create forward-thinking, clean energy projects in Montana.

With all due respect to the Committee and the Sponsor, we recommend tabling this bill without amendments.

Montana Conservation Voters is a statewide, grassroots membership organization that works to protect public health, clean air and water and access to public lands through political action.

We have a unique role in the legislative process among conservation groups, because we facilitate a process to prioritize legislation important to the broader community. This coalition currently consists of thirteen individual membership groups, and collectively represents about 40,000 conservationists around the state. This is important for you to know, because the broader community of conservation groups, including many that cannot be here today, emphatically oppose this HB 405.

Our objections to HB 405 run deep.

Montanans depend on strong environmental review. In the fall of 2006, Beldon Russonello and Stewart Research and Communications conducted a Montana voter survey on energy among 600 likely voters across the state.

The results of the energy poll are telling. 69% of respondents favored *stricter* anti-pollution requirements on power plants, and 60% of voters believed the state should cap carbon dioxide emissions to reduce global warming pollution. This bill goes against the grain of mainstream opinion on energy development in Montana for several reasons.

First, this bill defines all electricity-generating facilities and their supporting infrastructure (except for nuclear power) as "clean" (on page

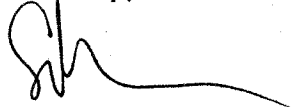
3, section 3) regardless of a plant's emissions of mercury, carbon dioxide, and other pollutants. The Judith Gap wind farm demonstrates that real clean energy projects do not need exemptions from Montana's environmental projects to be viable.

Next, in section 4, new or expanded coal plants, natural gas facilities, refineries, and transmission lines are exempted from following current laws like MEPA and MFSA. Of course, these laws were passed to create a robust review process for these very projects.

In section 5, the bill actually disallows citizens from seeking regress in a State court of law. The consequences, of course, will be to push all action to the Federal courts, likely further delaying the construction of new power generation instead of streamlining it as the sponsor intends.

Please vote against HB 405.

Sincerely,

A handwritten signature in black ink, appearing to be 'Sarah Cobler', with a long horizontal flourish extending to the right.

Sarah Cobler

Montana Conservation Voters
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Montana voter survey on ENERGY

Belden Russonello & Stewart conducted a statewide survey for the Montana Conservation Voters Education Fund. We surveyed 600 very likely voters across the state by telephone, from September 6 through 14, 2006 using a random digit dial sampling methodology. The survey has a margin of sampling error of plus or minus 4.1 percentage points.

*Montana Conservation Voters
Education Fund*

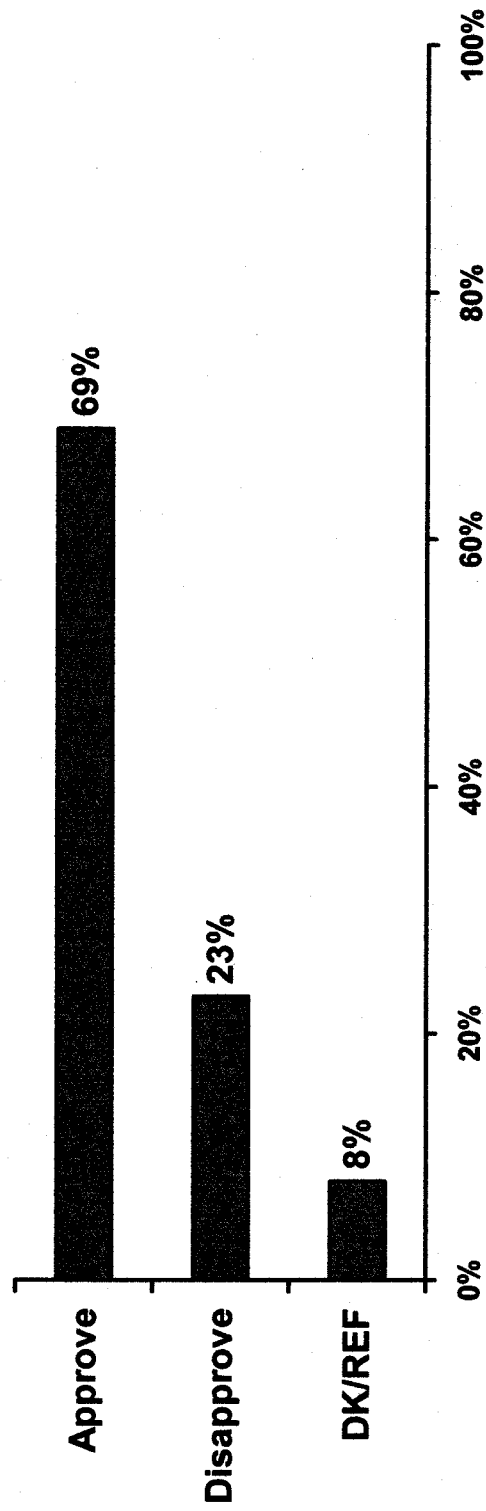
BELDEN RUSSONELLO & STEWART

RESEARCH AND COMMUNICATIONS

On Energy Policies

Closer to home, they broadly approve of stricter anti-pollution requirements on Montana power plants (69% approve, 23% disapprove). Women in general feel more strongly in favor of requirements than do men.

Support for Stricter Anti-Pollution Requirements



Q43. Would you approve or disapprove of imposing stricter anti-pollution requirements [for mercury] on power plants and industry in Montana? (67% approve without "mercury", 71% approve with "mercury" in question)

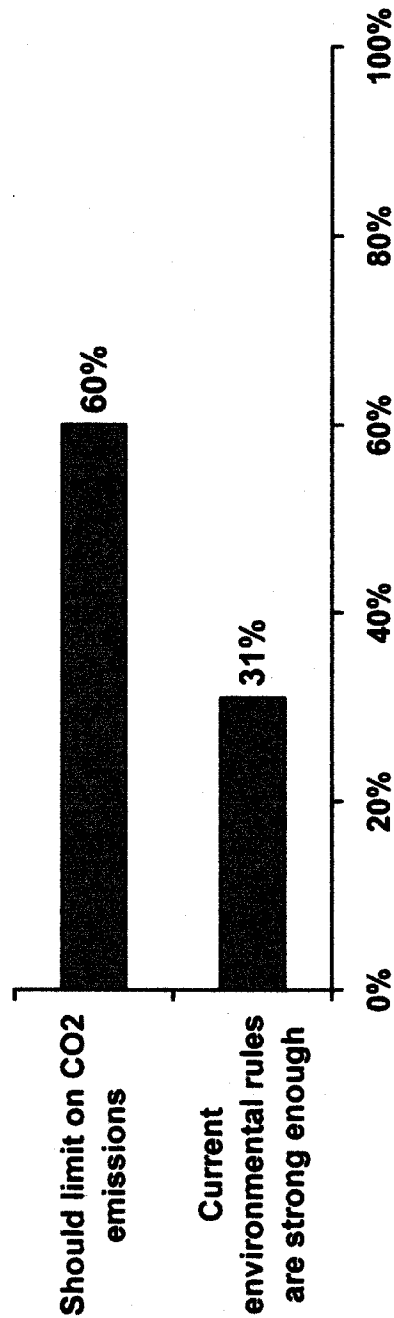
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RESEARCH AND COMMUNICATIONS

Controlling CO₂ Emissions

Controls on Carbon Dioxide Emissions



Q50. With which view do you agree more: [ROTATE STATEMENTS]

We should put limits or caps on carbon dioxide emissions from power plants and industry in order to reduce global warming pollution OR Current environmental regulations are strong enough and new limits on carbon dioxide would be too expensive for industry and consumers.

These caps are more popular among women than men, and among younger (<35) and older (55+) voters than middle aged (35-55) voters. The Missoula and Great falls markets are the most likely to support a candidate who advocates placing caps on carbon dioxide emissions in order to reduce global warming pollution.

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